

CHAPTER 7

ZONING, PLANNING, SUBDIVIDING AND CONSTRUCTION

Sec. 7.01 PURPOSES, SCOPE, INTERPRETATION, SHORT TITLE

Subd. 1. This ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare of the inhabitants of the City of Trimont by lessening congestion in the streets, securing safety from fire, panic and dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties; and encouraging the most appropriate use of land.

Subd. 2. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City of Trimont shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to the non-conforming properties or uses.

Subd. 3. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinances, or regulations, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statutes, other ordinance or regulation shall be controlling.

Subd. 4. SHORT TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of Trimont."

Sec. 7.02 RULES AND DEFINITIONS

Subd. 1. RULES

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not discretionary.

Subd. 2. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Building - A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Agricultural Use - An area which is used for the production oil farm crops as well as for the raising thereon of farm poultry and domestic and non-domestic farm animals, such as horses, cattle, sheep and swine.

Alley - A public thoroughfare less than thirty (30) feet in width which provides secondary access to abutting property.

Apartment - A part of a building consisting of a room or suite of rooms which is designed for, intended for or used as a residence for one family or an individual and is equipped with cooking facilities.

Apartment Building - Three (3) or more apartments grouped in one building.

Automobile Wrecking - See Junk Yards.

Basement - A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Boarding House - Any dwelling other than a hotel or motel where meals or lodging and meals for compensation are provided for five (5) or more persons, pursuant to previous arrangements and not to anyone who may apply.

Building - Any structure for the shelter, support or enclosure of persons, animal, chattel or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height - The vertical distance from the average of the highest and lowest point of that portion of a lot covered by a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable hip and gambrel roofs.

Building Setback Line - A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way defining a portion of the lot between said setback line and said right-of-way, on which buildings or structures may not be placed.

Curb Level - The elevation of the established curb in front of the building measured at the center of such front.

Dwelling - Any boarding or part thereof which is designed or used exclusively for residential purpose by one or more human beings either permanently or transiently.

Dwelling, One Family - A building designed for or occupied exclusively by one (1) family.

Dwelling, Two Families - A building designed for or occupied by two (2) families.

Dwelling, Multiple - A building designed for or occupied by more than two (2) families.

Family - Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel as here in defined.

Feedlot, Agricultural - An uncovered enclosure for the purpose of feeding livestock, less than 300 in number, an accessory use incidental to farming operation occupying less than five (5) percent of the land area of the farm.

Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior wall, including basements and attached accessory buildings.

Garage, Private - A garage with a capacity of not more than four (4) power driven vehicles for storage only and which is erected as an accessory building.

Garage, Public - Any premises except those described as a private or community garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Home Occupation - Any gainful occupation meeting all of the following requirements when engaged in only by persons residing in their dwelling, when that occupation is conducted within the principal structure, when evidence of the occupation is not visible from the street, no signs other than those permitted in "R" District are present, no stock in trade is stored on the premises, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within the structure. A professional person may use his residence for consultation, emergency treatment, or performance of religious rites but not for the general practice of his profession when such general practice will involve the need for more than three (3) parking spaces for the occupant and visitors. No accessory building or attached garage shall be used for such home occupation. Home occupations include professional offices, minor repair services, photo or art studio, dressmaking, teaching limited to three (3) students at any one time, and similar uses; however a home occupation shall not be interpreted to include ~~beauty or barber shops~~, tourist homes, restaurants or similar uses.

Hotel - Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in an individual room or apartment.

Junk Yard - Land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass Products, lumber products, and products from wrecking of automobiles, other vehicles accessory to any business or industrial use of the same lot.

Lodging House - A building or premises where lodging is provided for compensation for five (5) or more persons, but not exceeding twenty-five (25) persons.

Lot - One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.

Lot Area - The lot area is the land area within the lot lines.

Lot Area Per Family - The lot area per family is the lot area required by this ordinance to be provided for each family in a dwelling.

Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty - five (135) degrees.

Lot Depth - The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is the depth and its lesser frontage is its width.

Lot, Double Frontage - An interior lot having frontage on two (2) streets.

Lot, Interior - A lot other than a corner lot.

Lot Line - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line for application of this ordinance.

Lot Width - The horizontal distance between the side lot lines of a lot measured at the building setback line.

Manufactured Home, Single Family – A manufactured, transportable, single family dwelling unit, suitable for year round occupancy and containing water supply, waste disposal and electrical conveniences designed for attachment to outside systems. A manufactured home is designed so that it is or may be mounted on wheels and used as a conveyance on highways and streets.

Manufactured Home Park. – A manufactured home park means a contiguous parcel of land which has been developed and is licensed for the placement of manufactured homes, single family.

Mobile home - A mobile home or house trailer is a trailer, or other vehicle, designed and constructed for dwelling purposes.

Motel - A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Person - Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Plot - A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a public street, thoroughfare or highway or upon a traveled or used road and including as a minimum such open spaces required under this Ordinance.

Premises - A lot, plot or tract of land with the required front, side and rear yards.

Story - That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half - That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Structure - Anything constructed or erected; the use of which required location on the ground or attachment to something having a location on the ground.

Structural Alterations - Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Street - A public thoroughfare thirty (30) feet or more in width.

Use - The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, Accessory - A use incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Use, Conditional - A use classified as conditional which generally may be

appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed, may create special problems such as excessive height or bulk or abnormal traffic congestion.

Use, Non-Conforming - A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated except that such a use is not non-conforming if it would be authorized under Conditional Use Permit where located.

Use, Permitted - A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements regulations and performance standards of such districts.

Variance - A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the ordinance would cause undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky.

Yard, Front - An open unoccupied space on the same plot with a building, extending the full width of the lot and situated between the street line and the front of the building projected to the side lines of the lot.

Yard, Rear - An unoccupied open space, except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for full width of the lot.

Yard, Side - An open unoccupied space on the same lot with a building between the building and the line of the lot, and extending the front yard to the rear yard.

Zoning Amendment - A change authorized by the City Council either in the allowed use within a district or in the boundaries of a district.

Zoning District - A section of the City for which the regulations governing the height, area and use of buildings and premises are the same.

Subd. 1. DISTRICTS

For the purposes of this Ordinance, the City of Trimont is hereby divided into classes of zoning districts which shall be designated as follows:

AGRICULTURAL DISTRICT (A)
RESIDENTIAL DISTRICT (R)
COMMERCIAL DISTRICT (C)
INDUSTRIAL DISTRICT (I)

Subd. 2. ZONING MAP

The location and boundaries of the districts established by this Ordinance are set forth on the Zoning Map and said map is hereby made a part of this Ordinance, which map shall be known as the City of Trimont Zoning Map. Said map and all notations, references, and date shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said map, and amendments thereto shall be recorded on the official zoning map kept on file in the City Hall.

Subd. 3. DISTRICT BOUNDARIES

The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Subd. 4. FUTURE ANNEXATION

Any land annexed to the City in the future shall be placed in the A, Agricultural District until placed in another district by action of the City Council after recommendation of the City Planning Commission.

Sec. 7.04 AGRICULTURAL DISTRICT (A)

Subd. 1. PERMITTED USES

The following uses shall be permitted in the A, Agricultural Districts:

1. Single Family Dwellings.
2. Agriculture, farming and truck gardening (except kennels, animal feedlots or poultry farms operated for commercial purposes) farm buildings and the sale of products grown only on the premises.
3. Churches, memorial buildings.
4. Public schools and private schools having an equivalent curriculum.
5. Water supply and sewage treatment facilities, except that no building shall be located within forty (40) feet of any lot line of an abutting lot in any Residential District.
6. Public administration buildings.
7. Parks and recreational areas owned and operated by governmental agencies.
8. Golf courses, country club, private swimming club, provided that no building shall be located within forty (40) feet of any lot line of an abutting lot in any Residential District.
- 9.. Home occupation.
10. Cemeteries.
11. Railroad rights-of-way, but not including railroad yards and shops.
12. Airports, by conditional use permit.
13. Accessory uses customarily incidental to the above uses.

Subd. 2. CONDITIONAL USES

The following uses may be allowed in the A, Agricultural District by Conditional Use Permit:

1. Commercial livestock and poultry feeding operations provided they have; 1) Methods for the disposal of animal wastes, as approved by the Minnesota Pollution Control Agency, and 2) chemical and scientific control procedure for prevention and eradication of pests; and 3) are located a minimum distance of at least one thousand (1,000) feet from any existing adjoining unit.
2. Signs as regulated in Section 7.08, General Regulations.

Subd. 3. HEIGHT, YARD AND AREA REGULATIONS

1. Height Regulations:
 - A. No height regulation shall be required for agricultural buildings.
 - B. No building, other than agricultural buildings, hereafter

erected or altered, shall exceed two and one-half stories or thirty-five (35) feet in height, except as provided in Section 7.08, General Regulations.

2. Front Yard Regulations:

A. There shall be a front yard having a depth of not less than seventy-five (75) feet, except that the setback shall conform to County and State requirements when the lot abuts on a County, County State Aid or State Highway.

3. Side Yard Regulation:

There shall be a side yard, on each side of a building, having a width of not less than twenty (20) feet.

4. Rear Yard Regulations:

There shall be a rear yard having a depth of not less than twenty-five (25) percent of the depth of the lot.

5. Lot Area Regulation:

Every lot or tract of land upon which a single-family dwelling is erected shall have an area of not less than twenty-two thousand, five-hundred (22,500) square feet and an average width of not less than one hundred fifty (150) feet, except that if a lot or tract has less area or width than herein required and was legally platted and was of record at the time of the passage of this Ordinance, that lot may be used for any of the uses permitted in this Section.

Subd. 4. ADDITIONAL REQUIREMENTS

Additional regulations for the A, Agricultural District are set forth in Section 7.08, General Regulations.

Sec. 7.05 RESIDENTIAL DISTRICT (R)

Subd. 1. PERMITTED USES

The following uses shall be permitted in R, Residential Districts.

1. One family and two-family dwellings.
2. Parks and recreational areas owned and operated by governmental agencies.

3. Public elementary and high schools, or private schools having an equivalent curriculum.
4. Churches.
5. Accessory buildings and accessory uses customarily incident to the above uses, but not including home occupations or the conduct of a business.
6. Manufactured single-family dwellings, as regulated at Section 7.19 to 7.21.

Subd. 2. CONDITIONAL USES

The following uses may be allowed in the R, Residential District by conditional use permit:

1. Multiple family residences, public or private housing for the elderly.
2. Public buildings, memorial buildings, and water supply buildings and structures.
3. Hospitals, clinics.
4. Boarding and lodging houses.
5. Signs as regulated in Section 7.08, General Regulations.
6. Customary home occupations provided that;
 - A. Adequate off-street parking facilities are provided.
 - B. Not more than 25 percent of the gross floor area of the residence is used for this purpose.
 - C. Only articles made or originating on the premises shall be sold on the premises.
 - D. No articles for sale shall be displayed so as to be visible from any street.
 - E. No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet residential environment of the neighborhood.

Subd. 3. HEIGHT, YARD AND AREA REGULATIONS

1. Height Regulations:

No building hereafter erected or altered shall exceed two and one-half stories or thirty feet (30) in height.

2. Front Yard Regulations:

A. There shall be a front yard having a depth of not less than thirty (30) feet unless thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure, or if there be residences upon only one side, then beyond the straight line projected from the average front of the two nearest residences.

B. Where a lot is located at the intersection of two (2) or more streets or roads, the front yard depth regulations are applicable on each street side of each corner lot. No accessory building shall project beyond the front yard of either street.

3. Side Yard Regulations:

A. There shall be a side yard on each side of a building having a width of not less than ten (10) feet.

B. The interior side yard for multiple dwellings when permitted by conditional use permit shall be $\frac{3}{4}$ of the building height or fifteen feet whichever is greater.

4. Rear Yard Regulations:

There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot.

5. Lot Area Regulations:

A. Every lot or plat of land on which a one family dwelling is erected shall have a minimum width at the building set back line of seventy-five (75) feet and shall contain an area of not less than:

(1) Nine thousand (9,000) square feet with municipal sewer and water.

- (2) Fifteen thousand (15,000) square feet with municipal water only.
 - (3) Fifteen thousand (15,000) square feet with municipal sewer only.
 - (4) Twenty thousand (20,000) square feet with on-lot water and sewer facilities.
- B. A lot on which there is erected a new two family dwelling shall have an area of not less than twenty thousand (20,000) square feet and an average width of not less than one hundred (100) feet and an average depth of not less than one hundred twenty-five (125) feet, except that parking requirements in Section 7.08 must be provided.
 - C. A lot on which there is erected a new multiple family dwelling shall contain an area of not less than twenty thousand (20,000) square feet for the first two units plus two thousand (2,000) square feet for each additional dwelling unit except the parking requirements in Section 7.08 must be provided and not more than thirty-five (35) percent of a lot or a plot shall be occupied by buildings.
 - D. Six thousand (6,000) square feet for each trailer or mobile home berth in a mobile home park.
 - E. A lot or parcel of land of record upon the effective date of this Ordinance which is in the Residential District and which does not meet the requirements of this Ordinance as to area, width of other open space, may be utilized for single family detached dwelling purposes provided the measurements of such area, width or yard space are within sixty (60) percent of the requirements of this Ordinance; but said lot or parcel shall not be more intensively developed.

Subd. 4. ADDITIONAL REQUIREMENTS

- 1. Additional regulations for the R, Residential District are set forth in Section 7.08, General Regulations.

2. Mobile homes shall not be permitted in the City unless located in a controlled mobile home park or subdivision served by municipal sewer and water systems.

Sec. 7.06 COMMERCIAL DISTRICT (C)

Subd. 1. PERMITTED USES

The following uses may be permitted in the C, Commercial District:

1. Any use permitted in the R, Residential District as regulated therein.
2. Automobile Sales Agency.
3. Automobile Service Station for the sales of gasoline, oil and accessories.
4. Bank
5. Barber and beauty shops
6. Garage storage.
7. Hotel, motel, lodging or boarding houses.
8. Mortuary
9. Newspaper publishing job printing establishment.
10. Outdoor ice and milk vending machine.
11. Professional offices.
12. Restaurants.
13. Retail outlets for plumbing, heating, glazing, paper hanging, roofing, ventilating and electrical businesses.
14. Retail stores, sales or showrooms, office agency or studios.
15. Self-service laundries

Subd. 2. CONDITIONAL USES

The following uses may be permitted in the C, Commercial District by conditional use permit:

1. Other business activities of the same general character as listed in Subdivision 1 of this section.
2. Advertising and business signs as regulated in, Section 7.08, General Regulations.
3. Light industry that does not change the character of the area.

Subd. 3. HEIGHT, YARD AND LOT COVERAGE REGULATIONS:

1. Height Regulations:
No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
No front yard shall be required, except that on any lot which is located adjacent to or across the street from a Residential District, the front yard shall be not less than thirty (30) feet.
3. Side Yard Regulations:
No side yard shall be required, except that on any lot which is located adjacent to or across the street from a Residential District, there shall be a side yard of not less than ten (10) feet.
4. Rear Yard Regulations:
No rear yard shall be required, except that on any lot which is located adjacent to or across the street from a Residential District, there shall be a rear yard of not less than twenty (20) percent of the lot depth on any lot.

Subd. 4. ADDITIONAL REQUIREMENTS

Additional regulations for the C, Commercial District are set forth in Section 7.08, General Regulations.

Sec. 7.07 INDUSTRIAL DISTRICT (I)

Subd. 1. PERMITTED USE

The following uses may be permitted in the I, Industrial District.

1. Business or commercial establishments as provided in Section 7.06 and regulated therein.
2. Wholesaling, all commodities except live animals.
3. All fabricating, manufacturing, production, processing, and storage of materials, goods and products subject to the performance standards set forth in Section 7.08 of this Ordinance.
4. Accessory uses incidental to the foregoing uses.

Subd. 2. CONDITIONAL USES

The following uses may be permitted in the I, Industrial District by conditional use permit:

1. Other uses of similar character to those listed in Subdivision 1 of this Section.
2. Signs as regulated in Section 7.08, General Regulations.

Subd. 3. HEIGHT, YARD, AREA, LOT WIDTH AND LOT COVERAGE REGULATIONS.

1. Height Regulations:
 - A. No building shall hereafter be erected to exceed forty (40) feet in height.
 - B. Buildings exceeding forty (40) feet shall be required to obtain a conditional use permit.
2. Front Yard Regulations:

No front yard shall be required, except that on any lot that is located adjacent to or across the street from a Residential District, the front yard shall be not less than thirty (30) feet.
3. Side Yard Regulations:

No side yard shall be required, except that buildings in an I, Industrial district which abut or are across the street from a Residential District shall conform to the side yard regulations of that District.
4. Rear Yard Regulations:

No rear yard shall be required, except that buildings in an I, Industrial District which abut or are across the street from a Residential District shall conform to the rear yard regulations of that District.

Subd. 4. ADDITIONAL REQUIREMENTS

Additional regulations for the I, Industrial District are set forth in Section 7.08, General Regulations.

Sec. 7.08. GENERAL REGULATIONS

Subd. 1. HEIGHT REGULATIONS AND MODIFICATIONS

1. Public, semi-public or public service buildings, hospitals, institutions, schools, or churches may be erected to a height not exceeding sixty (60) feet in the districts in which they are permitted

if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided for the district in which the building is located.

2. Height limitations as set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:
 - A. Monuments
 - B. Flag poles
 - C. Cooling towers
 - D. Elevator penthouses

3. Height regulations as set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following, provided a conditional use permit is issued to increase height:
 - A. Church domes, spires, belfries and roof ridges.
 - B. Schools, colleges and university buildings.
 - C. Chimneys or smokestacks.
 - D. Television and radio broadcasting antennae.
 - E. Fire Towers.
 - F. Lofts, tanks
 - G. Water towers
 - H. Ornamental towers and spires.

Subd. 2. AREA REGULATIONS

1. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

2. No dwelling shall hereafter be erected or altered unless there is direct access to it from a street or highway through an open space on the same lot. No building shall hereafter be erected or altered so as to close the present means of access to an existing dwelling or so as to diminish this means of access to a width less than the width of the existing dwelling.

Subd. 3. YARD REGULATIONS

Measurements shall be taken from the nearest point of the wall of the building to the lot line in question, subject to the following qualifications:

1. Cornices, canopies, eaves or fire escapes may extend into the required front yard a distance not exceeding four (4) feet.
2. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet may be placed around such place.
3. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance; and except on existing lots that are fifty (50) feet or less in width; in such instance, allowable architectural features may project into the required side yard a distance of two (2) feet.
4. A wall, fence or hedge may occupy part of the required front yard, but no wall or fence more than three (3) feet high shall be constructed without a conditional use permit.
5. On corner lots, including agricultural areas, nothing shall be placed in such a manner as to materially impede vision between a height of two and one-half (2-1/2) feet, and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of fifty (50) feet from the intersection of the right-of-way lines.
6. More than one institutional building may be erected upon a single lot or tract but the yard and open spaces required around the boundaries of the lot or tract shall be encroached upon by any such buildings nor shall there be any change in the area requirements.

Subd. 4. ACCESSORY USES AND BUILDINGS

The following accessory uses, in addition to those hereinbefore specified shall be permitted in the Agricultural or Residential Districts if the accessory uses do not alter the character of the premises in respect to their permitted use:

1. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the district.

2. Recreation, refreshment and service buildings in public parks and playgrounds.
3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not be nearer to any side lot line than the required distance of the main building or to the main use of the premises to which the accessory building is incidental. Such accessory buildings shall not be nearer than ten (10) feet to any rear lot line or to any alley, nor shall any accessory building occupy more than thirty (30) percent of the required rear yard.

Subd. 5. OFF-STREET PARKING AND LOADING REQUIREMENTS

1. Off-Street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required off-street parking spaces for the following uses shall be as follows:
 - A. Single family dwelling - one (1) parking space. No garage shall be converted into living space unless other acceptable off-street parking space is provided.
 - B. Two-family dwelling - One (1) parking space for each family or dwelling unit.
 - C. Multiple dwelling - One and two-tenths (1.2) parking spaces per dwelling unit or apartment unit.
 - D. Boarding and lodging house - One (1) parking space for each two (2) persons for whom sleeping accommodations are provided.
 - E. Convalescent or nursing home - one (1) parking space for each four (4) beds for which sleeping accommodations are provided.
 - F. Hospitals - One (1) parking space for each two (2) hospital beds plus one (1) space for each employee on the major shift.

- G. Public park and recreation area - Five (5) spaces for each acre of park, playground or play field over two (2) acres.
- H. Churches - One (1) parking space for each (4) seats based on the design capacity of the main sanctuary.
- I. Public junior and senior high school or private school - One (1) parking space for each class room.
- J. Municipal administration buildings, community center, public library, museum, art galleries, post office and other municipal service buildings ten (10) parking spaces for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- K. Golf course, golf clubhouse, country club, swimming pool, tennis club, public swimming pool - twenty (20) spaces plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- L. Professional offices, medical and dental clinics and animal hospitals - four (4) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- M. Office Buildings - Ten (10) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- N. Automobile service station - Four (4) spaces plus two (2) spaces for each service stall. Such parking spaces shall be in addition to space required for gas pump areas.
- O. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair - Six (6) spaces plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- P. Bowling alley - Five (5) spaces for each bowling lane.

- Q. Drive-In Restaurant - Twenty (20) spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
- R. Motel or motor hotel - One (1) space for each rental room or suite.
- S. Miniature golf course, archery range or golf driving range - Ten (10) spaces.
- T. Assembly or exhibition hall, auditorium, theater or sports arena - One (1) space for each six (6) seats based upon design capacity.
- U. Restaurant, cafe, nightclub, tavern or bar - One (1) space for each seventy-five feet (75) of floor area.
- V. Enclosed skating rink or dance hall - One (1) space for each two hundred (200) square feet of floor area.
- W. Retail stores and service establishments - One (1) off-street space for each one hundred (100) square feet of floor area, plus one (1) space for employee on the major shift or one (1) off-street space for each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater.
- X. Wholesale business, storage or warehouse establishments - One (1) space for each employee of the major shift or one (1) space for each two thousand and (2,000) square feet of gross floor area, whichever is greater, plus one (1) off-street space for each company motor vehicle when customarily kept on the premises.
- Y. Manufacturing or processing plant - One (1) off-street space for each employee on the major shift or one (1) off-street space for each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

Z. Uses not specifically noted - as determined by the City Council following review by the Planning Commission.

2. Required Loading Areas:

Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

Subd. 6. SIGNS

All signs hereafter erected or maintained, except official, traffic, and street signs, shall conform with provisions of this Subdivision and any other ordinance or regulations of the City of Trimont.

1. General Sign Provisions:

The following regulations shall apply to all signs hereinafter permitted in all districts:

- A. Illuminated signs giving off intermittent or rotating beams shall not be permitted in any District.
- B. No sign shall project more than twenty-four (24) inches over a public sidewalk, except that the Council may, after a report from the Planning Commission grant a conditional use permit for a period not to exceed one (1) year to allow advertising on newspaper sale stands and special permits for temporary signs and decorations to be strung across the right-of-way,
- C. No sign shall be placed that resembles any official marker erected by a governmental agency or display such words as "stop" or "danger".
- D. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- E. The owner, lessee, or manager of a ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

- F. Advertising signs, business signs, and name plate signs which may be or may hereafter become unsafe or unsightly shall be repaired or removed by the owner, or owner of the property upon which the sign stands, upon notice of the Council.
- G. Where a sign is illuminated, the source of light shall not shine directly upon any part of a residence or into any Residential District.
- H. No sign shall violate the front, side, or rear yard requirements of the District in which it is placed.
- I. No sign shall be of such a nature or placed in such a position that it will constitute a traffic hazard.

2. Use and Location Regulations:

The following types of signs, and no other, shall be permitted in the Districts indicated as follows:

- A. Official traffic and street signs.
- B. Signs in an A, Agricultural or an R, Residential District: Only non-commercial signs such as professional name signs indicating the private nature of a driveway or premise shall be permitted, provided that the area on one side of any such sign shall not exceed two (2) square feet.
- C. Identification signs for schools, churches, hospitals, or similar institutions, for clubs, lodges, farms, estates, or similar uses, are permitted provided that the area on one side of any such sign shall not exceed twelve (12) square feet.
- D. Real estate signs, including signs advertising the sale or rental of premises, are permitted provided the area on one side of any such signs shall not exceed six (6) square feet; and signs indicating the location and direction of premises in the process of development, provided the area on one side of any such sign shall not exceed twenty-four (24) square feet.
- E. Temporary signs of contractors, architects, mechanics and

artisans are permitted, provided that such signs shall be removed promptly upon completion of the work and further provided that such signs shall not exceed twenty-four (24) square feet in area.

F. Business or industrial signs may be erected and maintain in conjunction with a commercial or industrial use provided:

(1) That the area on one side of all such signs erected on one street frontage of any one premises shall not exceed fifty (50) square feet unless authorized by a conditional use permit by the lawful governing body, and

(2) Such sign, except a directional sign, is erected only on the premises on which the use to which the sign relates is conducted.

G. In the C, Commercial and I, Industrial Districts, the total surface area of signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage. No single business sign surface shall exceed three hundred (300) square feet in area, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of three hundred (300) square feet. In the case of corner lots, the least width of a corner lot shall be the front for purposes of this Ordinance. Advertising sign structures shall be limited to not more than one for a lot of one hundred (100) foot frontage or less and to only one per each additional one hundred (100) feet of additional lot frontage. Such structure may not contain more than two (2) signs per facing not exceeding fifty-five (55) feet in total length. No advertising sign may be erected within one hundred (100) feet of adjoining Residential District.

Subd. 7. PERFORMANCE STANDARDS

1. Purpose - The performance standards established in this section are designed to assure that neighboring land uses will be compatible. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated. Before any building permit is approved, the Zoning Administrator shall determine whether the

proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, etc. It may be necessary for a developer or business to employ an independent testing organization to demonstrate that a given use will not exceed the performance standards.

2. Exterior Storage - In all districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment construction and landscaping materials, and equipment currently (within a period of thirty-six (36) hours being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger automobiles and pickup trucks. Boats and unoccupied recreational vehicles, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line. Existing uses shall comply with this provision within twelve (12) months following enactment of this Ordinance. In all districts, the City Council may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes threat to living amenities.

3. Screening - Screening may be required in cases where a commercial or industrial use is adjacent to or across the street from property zoned or developed for residential or public use. Screening may also be required in the Residential District for any off-street parking area containing more than six parking spaces. All exterior storage be screened except merchandise being displayed for sale; materials and equipment presently being used for construction on the premises; or merchandise located on service station pump islands. The screening required herein shall consist of a solid fence or wall at least 50 percent opaque and not less than five feet nor more than six feet in height, but shall be placed along the property lines or in case of screening along a street, 15 feet from the street right-of-way with landscaping (trees, shrubs, grass, and other planting) between the screening and the pavement. A louvered fence shall be considered solid if it blocks direct vision.

Planting of a type approved by the Planning Commission may also be required in addition to or in lieu of fencing.

4. Landscaping - In the Commercial or Industrial Districts all required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc., as appropriate. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any Residential District shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as part of the site plan and installed prior to issuance of a building permit for any lot within the District.
5. Residual Features - No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentration as to be detrimental to or endanger the public health, welfare, comfort or safety or cause injury to property or business.
6. Glare - In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding shall not be directed into any adjoining property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
7. Waste Material - Waste material shall not be washed into the public storm sewer system nor the sanitary sewer system without first having received a permit to do so from the City. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view. In all districts, all waste material, except animal waste; debris; refuse; garbage; materials not currently in use for construction or otherwise regulated herein shall be kept in an enclosed building or properly contained in a closed container for such purpose. The owner of vacant land shall be responsible for keeping such vacant

land free of waste material and noxious weeds. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding thirty (30) days; inoperative shall mean incapable of movement under their own power and in need of repairs. All exterior storage not included as a permitted accessory use, a permitted use, or otherwise permitted by provisions of this ordinance shall be considered as refuse.

8. Vibration - Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge, shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
9. Explosives - Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred feet from any Residential or Commercial District line provided that this section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or commercial purposes.
10. Drainage - No land shall be developed and no use shall be permitted that results in water run-off, flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course ponding area, or other suitable facility.
11. Traffic Control - The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic through residential areas. Traffic into and out of all commercial and industrial uses or areas shall in all cases be forward moving with no backing onto streets or pedestrian ways. No access drive to any lot shall be located within 30 feet of any two intersecting street right of way lines.
12. Radiation and Electrical Emissions - No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any

point of any equipment including but not limited to radio and television reception other than that of the creator of the disturbance.

13. Water Supply - Private water supply sources and facilities shall be designed and constructed in accordance with State standards and regulations.
14. Waste Disposal - On site waste disposal systems for domestic sewage or industrial wastes shall be designed, constructed and operated in accordance with State and Federal standards and requirements. Pretreatment of industrial wastes prior to discharge to the municipal sewerage system shall comply with City, State and Federal standards and regulations.

Sec. 7.09 NON-CONFORMING USES

Subd. 1. CONTINUATION

The lawful use of buildings or land existing at the effective date of this ordinance which does not conform to the provisions of this ordinance shall be discontinued within a reasonable period of amortization of the building. Uses of land which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. In no event shall the amortization period commencing with the completion or erection of the building, be more than:

1. Three (3) years for outdoor advertising structures (signs and billboards).
2. Thirty (30) years for building of ordinary wood frame construction.
3. Forty (40) years for buildings of wood and masonry construction.
4. Fifty (50) years for buildings of fireproof construction.

Subd. 2. ALTERATIONS

The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the

same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Subd. 3. RESTORATION

No building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty (50) percent of its value shall be restored except in conformity with the regulations of this Ordinance.

Subd. 4. DISCONTINUANCE

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

Subd. 5. JUNK YARDS

No junk yard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance except that a junk yard may continue as a non-conforming use in an industrial district if within that period it is completely enclosed within a building, fence, screen planting, or other device of such height so as to screen completely the operations of the junk yard. Plans of such building or device shall be approved by the Planning Commission and Council before it is erected or put into place.

Subd. 6. RESIDENTIAL ALTERATIONS

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units provided, however, that they do not increase the number of dwelling units in the building.

Subd. 7. NORMAL MAINTENANCE

Maintenance of a building or other structure or used for a non-conforming use may be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.

Sec. 7.10. CONDITIONAL USE PERMIT

Subd. 1. APPLICATION

Conditional use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this Ordinance.
2. Public utility or public service uses, or public building in any district when found to be necessary for the public health, safety, convenience or welfare.
3. Commercial excavating and storage of natural materials used for building or construction purposes, in any district.
4. To classify as a conforming use any non-conforming institutional use existing in any district at the time of the establishment of such district.
5. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this Ordinance; airport, library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature, cemetery, or mausoleum.

Subd. 2. PROCEDURE

Application for the issuance of a conditional use permit shall be made to the City Planning Commission, except that any proceedings to classify certain uses as conforming uses as provided in this section may be initiated either by such application or by the City Council or by the City Planning Commission. The City Planning Commission may hold such hearings on the proposal to issue a conditional use permit as it may consider necessary, but, at least one(1) public hearing shall be held on any application for a use permit for the establishment of any use listed in paragraph 5, Subdivision 1 of this section. Following the hearing the City Planning Commission shall make a report upon the proposal to the Council and shall recommend to the Council whatever action it deems advisable, but the City Planning Commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a use permit is sought will not under the circumstances of the particular case

be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use, or to the public welfare, or injurious to property or improvements in the neighborhood. The City Planning Commission may designate conditions and require guarantees in the granting of use permits in the same manner provided in Section 11, Board of Zoning Adjustment, for the granting of adjustments. Upon receipt of the report of the city Planning Commission, the City Council may hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a use permit.

Sec. 7. 11 BOARD OF ZONING ADJUSTMENT

Subd. 1. CREATION AND MEMBERSHIP

A Board of Zoning Adjustment is hereby established and vested with such administrative authority as is hereinafter provided. Such Board shall consist of the members of the City Planning Commission and the Zoning Administrator as an ex officio member without the right to vote on matters before the Board.

Subd. 2. POWERS

The Board of Zoning Adjustment, subject to the approval and confirmation of the City Council, in each case as hereinafter provided, shall have power to grant adjustments in and exceptions to any of the provisions of this ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.
2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of passage of this ordinance, but such extension of any district shall not exceed one hundred (100) feet.
3. The Board of Zoning Adjustment shall not recommend the granting of any application and the Council shall not grant any application unless they find the following facts. At the hearing the applicant shall present a statement and evidence in such form as the Board of Zoning Adjustment may require, to show these facts:

- A. That there are special circumstances or conditions affecting the land, building or use referred to in the application;
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights;
- C. That the granting of the application will not materially affect the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Subd. 3. APPEALS

Any person, firm or corporation objecting to the ruling of any official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Zoning Adjustment.

Subd. 4. PROCEDURE

Application for any adjustment permissible under the provisions of this Section shall be made to the Zoning Administrator, as created in Section 12, in the form of a written application for a building permit or for a permit to use the property or premises as set forth in the application. An application for an adjustment shall be accompanied by payment of a fee of five dollars (\$5.00), in addition to the regular building permit fee, if any. Upon receipt of any application, such officer shall set a time and place for a public hearing before the Board of Zoning Adjustment on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper.

The Board of Zoning Adjustment shall thereupon make its recommendation upon the application to the City Council, within fifteen (15) days of the application.

In recommending any adjustment or variance under the provisions of this Section, the Board of Zoning Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provision to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.

No permit shall be issued under the provisions of this Section unless and until a recommendation of the Board of Zoning Adjustment, as aforesaid, is approved and confirmed by the City Council. In reporting its recommendation to the City Council, the Board of Zoning Adjustment shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any adjustment or variance granted and the conditions designated. Upon receipt of such report, the City Council either shall by resolution approve and confirm the decision, with or without changes, whereupon the permit as applied for may be issued; or shall refuse to approve and confirm the decision. In all cases in which adjustments or variances are granted under the provisions of this Section, the Board of Zoning Adjustments and the City Council shall require such evidence and guarantees as it may deem necessary to insure compliance with the conditions designated in connection therewith.

Sec. 7.12 ENFORCEMENT

Subd. 1. ZONING ADMINISTRATOR

The office of the Zoning Administrator is hereby established, for which the City Council may appoint such employee or employees of the City, as it may deem proper. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

1. Issue occupancy and building permits, and make and maintain records thereof.
2. Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
3. Maintain permanent and current records of this Ordinance, including but not limited to; all maps, amendments and special uses, variances, appeals, and applications therefore.
4. Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
5. Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for.
6. Serve as an ex officio non-voting member of the Planning Commission and Board of Zoning Adjustment.

Subd. 2. BUILDING PERMITS

Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a building permit therefore. No permit shall be required for an alteration costing less than three hundred dollars (\$300.00) if no structural alteration of the building is involved.

Subd. 3. APPLICATION

Application for a building permit shall be made to the Zoning Administrator on blank forms to be furnished by the City. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The fee for a building permit shall be determined by the City Council. The Zoning Administrator shall issue the building permit only after determining that the building plans together with the application, comply with the terms of this Ordinance.

Sec. 7.13 AMENDMENT

This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment by the procedure specified as follows:

1. An amendment may be initiated by the City Council or the City Planning Commission, or by the verified petition of not less than fifty (50) percent of the property owners affected by the proposed amendment and fifty (50) percent of those property owners within three hundred (300) feet of the boundaries of the proposed change.
2. Before any amendment is adopted, the City Planning Commission shall hold at least one (1) public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing, the City Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the City Clerk within thirty (30) days after the hearing. Failure of the City Planning Commission to so report shall be deemed to be approval by the Commission of the proposed amendment.
3. Upon the filing of such report or upon the expiration of such thirty (30)

days as aforesaid, the City Council may hold such public hearing upon the amendment, as it deems advisable. After the conclusion of the hearings, if any, the City Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all the members of the Council concur in its passage.

Sec. 7.14 VIOLATIONS AND PENALTIES

Subd. 1. VIOLATIONS AND PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisonment for not more than ninety (90) days for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Subd. 2. ENFORCING

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Administrator in addition to other remedies may institute any proper action or proceedings in the name of the City of Trimont and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain or abate such violations to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

Sec. 7.15. VALIDITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Sec. 7.16. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Sec. 7. 17 CITY PLANNING COMMISSION

There is hereby established a Planning Commission composed of 5 members. The members shall be appointed by the City Council. The City Engineer and the City Attorney shall be ex officio members.

Subd. 1. TERMS

Of the members of the Planning Commission first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years. Thereafter, all members shall serve a one year term. Both the original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of the ex-officio members shall correspond to the respective official tenures. Vacancy during the term shall be filled by the City Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of the office. All members shall serve without compensation.

Subd. 2. DUTIES

The Planning Commission shall serve as an advisory body to the City Council in matters concerning the future physical development of the City. The Planning Commission shall upon request of the Council make studies, investigations, and recommendations to the City Council regarding matters affecting zoning, platting and public improvements.

Subd. 3. MEETINGS

The Commission shall hold meetings as needed or as called by the City Council. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings. On or before January 1st of each year, the Commission shall submit to the City Council a report of its work during the preceding the year. Expenditures of the Planning Commission shall be within amounts appropriated for the purpose by the City Council.

Sec. 7. 18 SUBDIVISION REGULATIONS

Subd. 1. GENERAL PROVISIONS

(1) Purpose: Each new subdivision becomes a permanent unit in basic physical structure of the City, a unit to which in the future, communities will of necessity be forced to adhere. In order that

new subdivision will contribute toward an attractive, orderly, stable, and wholesome community environment, with adequate public services and safe street, all subdivision shall be platted and shall comply with the regulations herein set forth.

- (2) Interpretation: In the interpretation and application, the provisions of this Chapter shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.
- (3) Application: Except in the case of re-subdivision, this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of this Chapter shall control. This chapter shall be in full force and effect in all areas within two miles of the City boundaries.
- (4) Enforcement: Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Register's Office or have any validity; and the Building Official shall not issue building permits for any structure on a lot in any proposed subdivision. The City shall not permit any public improvements to be installed unless the final plat is approved.
- (5) Penalty: Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases, or offers for sale or lease any lot block or tract of land herewith regulated before all requirements of these regulations have been complied with shall be guilty of a misdemeanor.

Subd. 2. DEFINITIONS

Unless the context indicates a different meaning, for the purposes of this Ordinance, the designated words, phrases and terms shall be construed as follows:

- (1) Attorney - The attorney or legal firm appointed or engaged by the City Council to represent the City on questions arising under this Ordinance.

- (2) Block - The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.
- (3) Boulevard - The portion of the street right-of-way between the curb line and property line.
- (4) Building Official - That person or persons authorized by the City Council to administer the State Building Code, the Zoning Ordinance, and the Subdivision Regulations.
- (5) Butt Lot - A lot at the end of a block and located between two corner lots.
- (6) Cluster Developments - A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Regulations.
- (7) Collector Street - A street which carries traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. It includes the principal entrance streets of a residential development and for circulation within such a development.
- (8) Comprehensive Development Plan - The plan or plans for the orderly growth of the City and adopted and amended from time to time by the Planning Commission and the City Council.
- (9) Council. City Council.
- (10) County - Martin County, Minnesota.
- (11) Cul-De-Sac - A minor street with only one outlet and having a turnaround.
- (12) Drainage Course - A watercourse or indenture for the drainage of surface water.
- (13) Easement - A grant by an owner of land for the specific use by persons other than the owner, or the public.
- (14) Engineer - City Engineer.

- (15) Final Plat - The final map, drawing or chart on which the subdivider's plan of subdivision which will be submitted to the County Register of Deeds or Register of Titles. Said plan must conform to all State laws.
- (16) Group Housing - A housing project consisting of a group of five or more buildings constructed on a plot of ground three acres or more in size.
- (17) Lot - A single tract, within a subdivision marked as a numbered tract to be offered as a unit of land for sale, lease, or separate use thereof.
- (18) Lot Width - The dimension of a lot measured at the building setback line as established by zoning regulations.
- (19) Minimum Subdivision Design Standards - The guides, principles and specifications for the preparation of subdivision plans indicating among other things the minimum and maximum dimensions of the various elements set forth in the preliminary plan.
- (20) Minor Street - A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- (21) Owner An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- (22) Person - Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.
- (23) Planning Commission - The Planning Commission of the City.
- (24) Preliminary Plan - The preliminary plat, map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the City Council for their consideration, as compliance with the Comprehensive Development Plan and these regulations along with required supporting data.

- (25) Private Street - A privately owned street.
- (26) Protective Covenants - Contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (27) Service Street - Marginal access street, or otherwise designated, is a minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- (28) Street - A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, thorough way, road, avenue, lane, place or however otherwise designated.
- (29) Street width - The shortest distance between the lines delineating the right-of-way of a street.
- (30) Subdivider - The owner, agent, or person having control of such land as the term is used in this ordinance.
- (31) Subdivision - The division of a parcel of land after the effective date of this Ordinance into two or more lots or parcels. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- (32) Surveyor - The registered surveyor appointed or engaged by the Council for the purpose of attaining the goals and complying with the requirements of this ordinance.
- (33) Thoroughfare - A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
- (34) Zoning Ordinance - The zoning ordinance controlling the use of land as adopted by the City.

Subd. 3. PRELIMINARY PLAN

- 1. Procedure for Preliminary Plan

In order to familiarize himself with this Ordinance and related laws and to avoid costly revisions of plans and plats, the subdivider is encouraged to have a preliminary discussion with the surveyor and Planning Commission.

2. Submitting of preliminary plan and other information

Before dividing any tract of land into two or more lots or parcels, an owner or subdivider shall, unless a variance is authorized, file with the Building Official;

- A. Six (6) copies of the preliminary plan; protective covenants, if any; and a short statement of the impact of the proposed development upon the City local water resources, including surface and subterranean, the Village sewage system, the soil, vegetation and wildlife which will or might be affected by the proposed subdivision.
- B. A cash fee of \$50.00 plus one dollar (\$1.00) for each lot. This fee will be used for public expenses in connection with approval or disapproval of said plan and final plat which may thereafter be submitted.
- C. If the subdivider requests, or the Council requires that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in subdivision plat, the Assessor shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the County of such estimated cost the same shall be paid to the community treasurer in addition to the fee mentioned in subdivision B above to cover the cost of preparing and filing such revised assessment.
- D. Subdivider shall fill out a "zoning form" or other application blank.

3. The building official shall, upon receipt of the preliminary plan, refer two copies to the Planning Commission and one copy each to the Engineer and Surveyor.

4. If the proposed subdivision abuts any Federal trunk highway, the Building Official shall also refer one copy to the Minnesota

District Highway Headquarters for review as required by State Law.

5. The Engineer, Surveyor, and the District Highway Engineer, if appropriate, shall within fifteen (15) days, submit reports to the Planning Commission expressing recommendations for approval, disapproval or revisions. If no report is received within 15 days, it will be assumed by the Planning Commission that there are no objections in the plan as submitted.
6. The Building official shall set a public hearing on the preliminary plan such hearing to be held within 45 days. The City Council may authorize the Planning Commission to conduct the hearing and report such findings. The Building Official shall cause notice of said hearing to be published in the official newspaper at least ten days prior to the hearing.
7. The Planning Commission shall have the preliminary plan on its agenda at its next regular meeting following referral. This meeting may serve as the public hearing.
8. At this first regular meeting following receipt of the above reports, the Planning Commission shall determine whether such plan conforms to design standards set forth in this Chapter and conforms to adopted City plans. The Commission may approve a preliminary plan subject to certain revisions or conditions.
9. The Planning Commission shall make its report to the Council on or before the second regular meeting of the Planning Commission following referral unless a delay is consented to by the applicant.
10. The Council shall act on the preliminary plan within sixty (60) days of the date on which it was filed with formal request for approval unless a delay is consented to by the applicant. If the report of the Planning Commission has not been received in time to meet these requirements, the Council may act on the preliminary plan without such a report.
11. If the preliminary plan is not approved, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant. If the preliminary plan is approved, such approval shall not constitute final acceptance of the subdivision. All conditions required by the Council shall be submitted in writing to the

applicant.

12. Should the subdivider desire to amend the preliminary plans as approved, he may resubmit the amended plan which shall follow the same procedure except for the hearing and fee unless the amendment in the opinion of the Planning Commission, of such scope as to constitute a new plat, then it shall be refiled.

Subd. 4. DATA REQUIRED FOR PRELIMINARY PLAN

The preliminary plan of the proposed subdivision shall contain or have attached thereto the following information:

1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County.
2. Legal description of property.
3. Names and address of the owner, and any agent having control of the land, subdivider, surveyor, engineer and designer of the plan.
4. Graphic scale not less than one (1) inch to one hundred (100) feet, except for large subdivision where a smaller scale shall be acceptable.
5. North point.
6. Date of Preparation.
7. Existing conditions.
 - A. Designated outside boundary lines of the subdivision.
 - B. Existing zoning classifications for land in and abutting the subdivision.
 - C. Total acreage.
 - D. Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements, and section and corporate lines within the preliminary plan and

to a distance one hundred (100) feet beyond shall also be indicated.

- E. Location and size of existing sewers, water mains, culverts, or other underground facilities within the preliminary plan area and to a distance of one hundred (100) feet beyond. Such data as grades, locations of catch basins, manholes, hydrants, and street pavement width and type, shall also be shown, unless permission is waived by the Planning Commission.
- F. Boundary lines of adjoining un-subdivided or subdivided land, within one hundred (100) feet identified by name and ownership, but including all continuous land owned or controlled by the subdivider.
- G. Topographic data, including contours at vertical intervals of not more than five (5) feet except where the horizontal contour interval is 100 feet or more, a two (2) foot vertical interval shall be shown. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. U.S.G.S. datum shall be used for all topographic mapping unless permission for waiver is granted by the Planning Commission.

Subd. 5. SUBDIVISION DESIGN FEATURES TO BE SHOWN

- 1. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used.
- 2. Locations and widths of proposed alleys, pedestrian ways and utility easements.
- 3. Layout numbers and preliminary dimensions of lots and blocks.
- 4. Minimum front and side street building setback lines.

5. Location and size of proposed sanitary sewer lines and water mains or proposed community sewer and water system.
6. Gradients of proposed streets, sewer lines and water mains, if requested.
7. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

Subd. 6. OTHER INFORMATION REQUIRED

1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
2. Source of water supply.
3. Provisions for sewage disposal, surface water, drainage, and flood control.
4. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
5. Such other information as may be requested by the engineer, surveyor, or Planning Commission.
6. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a preliminary plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

Subd. 7. QUALIFICATIONS GOVERNING APPROVAL OF PRELIMINARY PLAN

1. The Planning Commission may return a conditional report. The Council may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the City.

2. The approval of a preliminary plan is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval.
3. Subsequent approval will be required of the engineering proposals required pertaining to water supply, storm drainage, sewage and sewage disposal, sidewalks, gas and electric service, grading, gradients and roadway widths and the surfacing of streets and by other public officials having jurisdiction prior to the approval of the final plat by the City Council.

Subd. 8. MINIMUM DESIGN STANDARDS

1. Application

The following land subdivision principles, standards and requirements will be applied by the Commission in evaluation plans for proposed subdivision:

- A. Where literal compliance with the standards herein specified is clearly impractical, upon recommendation of the Planning Commission, or in the absence of such recommendation, at its own discretion the Council may modify or adjust the standard to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations, including the issuance of a variance, if appropriate as provided herein.
- B. The proposed subdivision shall conform to the Comprehensive Development Plan of the City.

2. Land Requirements

- A. Land shall be suited to the purpose for which it is to be subdivided. No preliminary plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or formation.
- B. Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards

have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.

- C. Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

Subd. 9. ROAD SYSTEM

1. Proposed roads shall conform to the state, county, and/or village plans as have been prepared, adopted and/or filed as prescribed by law.
2. Roads shall be logically related to the topography so as to produce usable lots and reasonable grades.
3. Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent un-subdivided territory unless the topography clearly indicates that such connection is not feasible. Reserved strips, and land-locked areas shall not be created.
4. Minor roads shall be laid out to discourage their use by through traffic, and where possible, thoroughfares shall be protected for use by service roads or marginal access roads.
5. Half or partial roads will not be permitted, except where essential to reasonable subdivisions of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured.
6. Wherever a tract to be subdivided borders an existing half, or partial road, the other part of the road shall be platted within such tract.
7. Dead-end roads shall be prohibited, except as stubs to permit future road extension into adjoining tracts, or when designed as cul-de-sac roads.

Subd. 10. CUL-DE-SAC ROADS

1. Cul-de-sac roads, permanently designed as such, shall not exceed 300 feet in length, except by variance. Such a variance may be

granted if it can be clearly shown that by reason of unfavorable land form, or the irregular shape of the land from which the subdivision is being made, a normal street pattern cannot be established, or that land would be wasted by not granting such a variance.

2. Unless future extension is clearly impractical or undesirable the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the coverage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

Subd. 11. ROAD DESIGN

1. Widths. Minimum widths for each type of public street or road shall be as follows:

<u>Type of Road</u>	<u>Right-of-Way Width</u>	<u>Roadway</u>
Thoroughfare	100 feet	
Collector road	80 feet	40 feet curb to curb
Minor road	66 feet	40 feet curb to curb
Marginal road	50 feet	40 feet curb to curb
Cul-de-sacs	60 foot turn-around radius	50 feet turn-around radius

Where a subdivision abuts or contains all or part of an existing road of inadequate width, sufficient additional width shall be provided to meet the above standards.

Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

Extensions of existing roads with lesser right-of-way than prescribed above, may be permitted by variance in special cases.

2. Restriction of access. Access of minor streets or driveways onto

state and county state-aid highways shall not be permitted at intervals of less than 500 feet.

3. Road jogs. Road jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
4. Deflections. When connection street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet.
5. Grades. Centerline gradients shall not exceed the following:

<u>Classification</u>	<u>Gradient (in percent)</u>
Thoroughfares and collector streets	5
Minor streets, marginal access streets	8

6. Vertical curve. Different connection street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two adjacent slopes.
7. Intersections
 - A. Angle of intersection. The angle formed by the intersecting of streets shall not be less than 60 degrees with 90 degree intersections preferred.
 - B. Size of intersection. Intersections of more than four corners shall be prohibited.
 - C. Corner radii. Constructed roadways of street intersections shall be rounded by a radius of not less than 15 feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.
8. Curb and gutter. Curb and gutter shall be included as a part of the required street surface improvement and shall be designed for installation along both sides of all roadways.

Subd. 12. WATER SUPPLY

Extensions of the public water supply system shall, when available, be designed so as to provide public water service to each lot.

Subd. 13. SEWAGE DISPOSAL

Extensions of the public sanitary sewer system shall, when available, be designed so as to provide sewer service to each lot.

Subd. 14. DRAINAGE

A complete and adequate drainage system design may be required for the subdivision and shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems.

Subd. 15. STREET TREES

Provision shall be made for adequate street tree planting within the subdivision and a uniform setback established.

Subd. 16. BLOCK

Blocks shall meet the following standards:

1. In residential areas, other than water frontage blocks shall not be less than six hundred (600) feet nor more than 1,320 feet in length measured along the greatest dimension of the enclosed block area, unless a variance is obtained.
2. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use required other treatment. If such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way and utilities shall be provided as necessary.
3. Blocks shall be wide enough to allow two tiers of lots with a minimum depth as required by the City zoning plan, except lots adjoining a lake, stream, railroad or thoroughfare. or where one tier of lots is necessary because of topographic conditions.

Subd. 17. ARRANGEMENT OF LOTS

1. Side lot lines shall be substantially at right angles or straight road lines or radial to curved road lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.
2. Each lot shall front upon a public road.
3. Through lots or double frontage lots shall be avoided when possible.

Subd. 18. SIZE OF LOTS

1. Lot Area. No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located: unless provided for otherwise by zoning regulations, the provisions of Subdivision 21 shall apply.
2. Commercial And Industrial Lots. Lots designed for commercial or industrial purposes shall provide adequate off-the-street service, loading and parking facilities.
3. Corner Lots. Corner lots shall be platted at least fifteen (15) feet wider than interior lots.
4. Butt Lots. Butt lots shall be platted at least five (5) feet wider than the average width of interior lots in the block; their use shall be avoided when possible.
5. Water Courses. Lots abutting upon a water course, drainage way, channel or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding.
6. Lakeshore Lots. Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximately to riparian right.
7. Natural Features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, which if preserved will add attractiveness and stability to the proposed development.
8. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as

unusable parcels.

9. Access To Thoroughfares. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided, and more preferable access arrangements become possible, such temporary access shall become void.

Subd. 19. PUBLIC SITES AND OPEN SPACES

1. Where a proposed park, play ground, public access to water frontage, school site, highway, historic site, or other public site as shown on the Comprehensive Development Plan is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated, such public ground shall be reserved and no action taken towards approval of preliminary or final plat for a period not to exceed 90 days to allow the opportunity to consider and take actions towards acquisition of such public ground or park by purchase or other cause.
2. In all new subdivisions, 5% of the gross area subdivided shall be dedicated for public recreation space, school sites, or other public use with such 5% being in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved as being suitable and needed for the public health, safety, convenience and/or general welfare. When in the judgment of the Council the subdivision is too small for practical dedication of public land, or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a sum of \$50 per lot to the City, said sum to be deposited in a fund dedicated to the Park and Recreation Program of the City.

Subd. 20. DRAINAGE COURSES

Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to safely route the storm water through the subdivision to its natural outlet, to maintain, or replace the natural water course.

Subd. 21. MINIMUM LOT STANDARDS

Unless provided for otherwise by zoning regulations the following minimum lot standard shall apply:

	<u>With Public Sewer and Water</u>	<u>With Individual Disposal Systems</u>
Minimum lot area	12,000 sq. ft.	20,000 sq. ft.
Minimum lot width	75 feet	100 feet
Roadway driving	24 ft. (plus 8 ft. for shoulders)	24 ft. (plus 8 ft. for shoulders)

or more if required as a result of soil percolation tests as provided in the Sewage Ordinance applicable to on-site systems.

Subd. 22. SUBDIVISIONS WITHOUT MUNICIPAL WATER AND SEWER

In subdivisions where municipal water and sewer services are not presently available, the Planning Commission may recommend and require that the lots in the subdivision be consistent with the requirements for lots with public sewer and water as set forth above, and that the developer convey two or more lots for the purpose of transfer of ownership or building development, and further that any such building development be confined to one of the multiple lots conveyed. At such time as municipal sewer service becomes immediately available, and upon connection of the existing building development to same, the undeveloped lots may be conveyed to other person or entities and building development may be permitted on same.

Subd. 23. IMPROVEMENTS

Before the Council shall approve a final plat of a subdivision, the subdivider shall provide the required improvements at his own expense, shall give bond in an amount equal to the Engineer's estimate or make other financial arrangements acceptable to the Council to cover the cost of the following:

1. Survey Monuments. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county and other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position

unless a relocation is approved by the controlling agency.

2. Grading. Roads and lots shall be graded to secure proper drainage.
3. Surface Water Drainage. Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the subdivision and protect roadway pavements.
4. Minimum Pavement Width And Roadway Surfacing. Roads shall meet the standards set forth herein and shall be approved after inspection by the Engineer.
5. Sanitation
 - A. Where lots cannot be connected with a public sewerage system provisions must be made for sanitary sewerage facilities, consisting of a central treatment plant or approved individual disposal systems for each lot. This does not mean that the installation of individual disposal systems shall be at the expense of the subdivider.
 - B. All approved sewage disposal systems shall comply with the regulations and recommended standards of the Village and the Minnesota Department of Health and the Pollution Control Agency.
6. Water Supply. Water supply for all areas shall be designed to meet regulations and recommended standards of the Village and the Minnesota Department of Health. Where connection with a public water system is feasible, the public water facilities shall be utilized.
 - A. When the subdivision is located within the service area of a public water supply system, water mains not less than 6 inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to such public system together with shut-off valves and fire hydrants at intervals of not less than 600 feet.

7. Miscellaneous Facilities. Tree planting, street name signs, traffic control signs, over-sized utility trunk lines, pedestrian ways, and other improvements may be required.
8. Payment For Installation Of Improvements. The required improvements to be furnished and installed by the subdivider, which are listed and described, are to be furnished and installed at the sole expense of the subdivider; provided however, that in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the City and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
9. Required Agreement-Providing For Proper Installation Of Improvements. Prior to installation of any required improvement and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the City requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which may include provision for supervision of details of construction by the Engineer and grant to the Engineer authority to correlate the work to be done under said contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the City in the vicinity.
10. Construction Plans. Construction plans for the required improvements conforming in all respects with the standards of the Engineer and the ordinances of the City shall be prepared at the subdivider's expense by a professional engineer or land surveyor who is registered in the State of Minnesota, and that said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for his approval and for his estimates of the total cost of the required improvements; upon approval they shall become a part of the

contract required. The tracings of the plans approved by the City Engineer plus two prints shall be furnished to the City to be filed by the City Engineer as a record.

11. Inspection. All required improvements on the site that are to be installed under the provisions of this Ordinance may be inspected during the course of construction by the City Engineer or Building Official.
12. Improvements Completed Prior To Approval Of Final Plat. Improvements within a subdivision which have been completed prior to application for approval of the final plat shall be accepted as equivalent improvements in compliance with the requirements only if the Engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.
13. Incomplete Improvements. In the event of small subdivision or in subdivision in which development may proceed slowly, or in other events in which the provision of surfaced streets, utility lines, or other improvements is clearly not feasible immediately following approval of the final plat, the City may elect to commence assessment proceedings, utilize funds of a cash escrow agreement, or otherwise move to finance and install improvements when the subdivision is developed to the point of warranting the improvements. Such improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants, and otherwise protect the public health, safety, convenience and general welfare.

Subd. 24. VARIANCES

1. The Planning Commission may recommend a variance to the City Council from the requirements of subdivision planning procedure or public improvements when a group housing or cluster development is proposed or in specific cases when the tract to be subdivided is of such unusual size, shape, or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this section would result in substantial hardship or injustice.

2. The standards and requirements of these regulations may be modified by the Council in the case of plans which, in the judgment of the Council, achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of this plan.
3. Policy. In recommending any variance, the Commission shall take into account the following:
 - A. The features of the natural terrain and considerations of preservation of scenic beauty and conservation practices.
 - B. The location of the proposed subdivision, proposed land use, and existing use of land in the vicinity.
 - C. The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.
 - D. Those variances that will allow the subdivider to develop his property in a reasonable manner and at the same time preserve the general intent and spirit of this Ordinance and protect the public welfare and interests of the City.
 - E. The Planning Commission shall consider such application, give its written recommendations thereon, with the reasons therefore, at the time of its approval or disapproval of said plan. If the Planning Commission refuses to recommend a variance within 70 days, the subdivider may at once petition the Council for a review of the decision of application for variance.

Subd. 25. RE-SUBDIVISION

In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation of these regulations, or the zoning ordinance, the division may be approved by the Council after submission of a survey by a registered land surveyor showing the original lot and the proposed division.

Subd. 26. FINAL PLAT

1. Procedure For Final Plat. After the approval and endorsement of a preliminary plan, the following procedure shall be followed. The final plat shall conform to all state and City requirements and the requirements of this Ordinance and shall be prepared by a land surveyor who is registered in the State of Minnesota.
2. Information Required. Unless an extension of time is requested by the subdivider and granted by the Planning Commission, the subdivider shall within one year following approval of the preliminary plan, submit to the Building Official:
 - A. Six paper prints of the final plat, together with an up-to-date Abstract of Title or a Certificate of Title, an opinion of Title by the subdivider's attorney and a form indicating latitude and departure traverse closure. The final plat shall conform to all Minnesota Platting Regulations.
 - B. This final plat shall incorporate all changes required by the Planning Commission; otherwise, it shall conform to the preliminary plan. The final plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at that time.
3. Variances from the strict application of this Ordinance may also be granted in the case of Planned Development provided the Council, upon review and recommendations from the Planning Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Ordinance; a "planned development" shall be considered any development of more than three (3) acres which consists of two or more principal structures or uses on a single lot or parcel of land for which a complete, detailed plan has been submitted showing all proposed structures, uses, traffic ways, sidewalks, landscaping, off-street parking and other features and facilities. This provision of the Ordinance is intended to provide flexibility needed for new land planning and land development trends and techniques.
4. Procedure For Variances

- A. Variances. The Council may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider has shown that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right provided such relief may be granted without detriment to the public welfare and without substantially impairing the intent and purpose of these regulations.
 - B. Application Required. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.
 - C. Receipts for the payment in full of real estate taxes and assessments due and payable in the year in which the final plat will be approved.
- 5. Information To Be Shown. All plats shall comply with the provision of Chapter 505 of Minnesota State Statutes, as amended.
 - 6. The Building Official shall refer two paper prints of the final plat to the surveyor, one to the Engineer, one to the Planning Commission and one to the attorney together with an up-to-date Abstract of Title or a Certificate of Title and the Opinion of Title prepared by the subdivider's attorney.
 - 7. A report of the surveyor, Engineer, the Planning Commission and the attorney shall be submitted to the Council within forty-five (45) days after the submission of the final plat to the Building Official. The Surveyor shall state whether the final plat conforms to the State Platting Regulations. The Engineer shall state whether the final plat and the proposed improvements conform to all

engineering standards including requirements of the Minnesota Highway Department, if applicable. The Planning Commission shall state whether the final plat conforms to the preliminary plan approved by the Commission and incorporates all changes that might have been required. The Attorney shall state whether the fee simple title to the platted property is in the names of the platters.

8. The Council shall act on the final plat within 60 days of the date on which it was submitted to the Building Official.
9. When the final plat is approved by the Council and certified by the County Auditor, the subdivider shall submit two double mounted, cloth-backed prints on card stock or material of equal quality and one transparent reproducible copy. The plat shall then be recorded with the Register of Deeds, of Martin County.

Subd. 27. APPEALS

1. There is hereby created a Board of Zoning Adjustment, which may, at the discretion of the Council, be one and the same as the Board of Appeals created under the City Zoning Ordinance.
2. The Board shall consist of three members; each shall be appointed by the Mayor with the approval of the Council by majority vote. The term of each member of the Board shall be for three (3) years; however, the first appointment shall be for one (1), two (2), and three (3) year terms. One member of the Board shall be a member of the City Planning Commission. All members shall be residents of the City. No persons shall be eligible for or serve on the Board who is an elected City Official or regularly employed by the City.
3. The Board of Adjustment shall elect a chairman from among its members and may appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths of witnesses and the filing of written briefs or memorandums by the parties. The Board shall provide for a record of its proceedings which shall include the minutes of its meeting, its findings and the action taken on each matter heard by it, including the final order.
4. The Board shall make no decision on an appeal or petition until and unless the Planning Commission has had a reasonable

opportunity, not to exceed 60 days to review and report to the Board upon an appeal or petition.

5. The meetings of the Board shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.
6. The Board of Adjustment shall act upon all questions as they may arise in the administration of these subdivision regulations, and it shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative official or body charged with or given the discretion under the provisions of this Ordinance. Such appeal may be taken by any person aggrieved by a decision arising out of the implementation or enforcement of this Ordinance, or by any officer, department, Board or bureau of a town, municipality, county or state.
7. Hearings by the Board of Appeals shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter or question before it and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or by attorney.
8. The Board of Appeal may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination on appeal as in its opinion ought to be made in the premises and to that end and shall have all the powers of the officer from whom the appeal was taken including the issuance of a permit. The reasons underlying all decisions of the Board shall be stated in particular.
9. A decision of the Board shall not be final and any person having an interest affected by such decision shall have the right to appeal a decision of the Board to a court of competent jurisdiction in the county in which the land is located on questions of law and fact.

Sec. 7.19 SPECIAL DEVELOPMENT REGULATIONS

This article is intended to provide for recent innovations in development types and uses. Such development, when executed in accordance with the provisions of this article, will provide the community with a wider variety of development types and uses, yet still protect the public health, safety and general welfare.

Sec. 7.20 SINGLE-FAMILY MANUFACTURED HOUSING

Single-family manufactured homes placed on individual lots in R residential districts shall conform to the following design standards.

- (1) Placement of such homes shall be in conformance with all zoning regulations of the district in which they are located.
- (2) The homes shall conform to the Manufactured Home Building Code, as defined in Minnesota Statutes sections 327.31 to 327.35.
- (3) Such manufactured housing shall have a minimum habitable floor area of eight hundred (800) square feet. No such home shall have a width of less than twenty (20) feet.
- (4) Roof lines must have at least a three-twelfths pitch; flat or shed roofs are no permitted.
- (5) Such homes shall be placed on a permanent perimeter foundation. The foundation must meet requirements listed in the Uniform Building Code, as adopted by the State.
- (6) Manufactured homes shall have exterior siding which is of a conventional exterior dwelling-type material.

Sect. 7.21 MANUFACTURED HOUSING PARKS

Scope. This division applies to manufactured housing parks.

1. **Permit.**

(a) *Required.* It shall be unlawful to develop or extend any manufactured home park unless a valid permit is issued by the office of the city engineer. Approval of such permits shall be made by the city council.

(b) *Applications.* All applications for permits shall contain the following information:

- (1) Name and address of applicant.
- (2) Location and legal description of the development.
- (3) Complete site plans for the specific development. The plans should include the topography and grading plan for the site; layout of mobile home lots, roadways and walkways; location of all utilities; drainage plans; location of permanent buildings; landscaping and screening plan; park areas and recreational equipment.

(c) *Review of Application.* The planning commission shall review all applications for permits issued hereunder and shall hold such hearings as deemed necessary. The findings and recommendations of the planning commission shall be forwarded to the city council for

appropriate action.

2. **Inspections.**

The building official shall make such inspections of manufactured home parks as are necessary to determine satisfactory compliance with this chapter, including the power to enter at reasonable times upon any private or public property for such purpose. It shall be the duty of the park management to give the building official free access to all lots at reasonable times for the purpose of inspection.

3. **Repairs.**

It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his agent or employee access to any part of the park at reasonable times for the purpose of making such repairs or alterations as necessary to effect compliance with this chapter.

4. **Miscellaneous responsibilities of park management.**

(a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this section.

(c) It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the name and address of each manufactured home occupant; the name and address of the owner of each manufactured home and motor vehicle by which it is towed; the make, model, year and license number of each manufactured home and motor vehicle, and the state, territory or country issuing such license; and the date of arrival and departure of each manufactured home. The register shall be available for inspection at all times by law enforcement officers, the building official, public health officials and other officials whose duty necessitates acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

5. **General requirements.**

Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property, health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion shall be subject to unpredictable or sudden flooding.

6. **Area.**

Each manufactured home park shall be of sufficient size to contain at least ten (10) fully-developed lots and required accessory structures and areas.

7. **Lot area.**

The minimum lot area per manufactured home within the park shall be four thousand five hundred (4,500) square feet.